



STATE OF NEW JERSEY
Wetlands Mitigation Council
New Jersey Department of Environmental Protection

Bradley M. Campbell, *Commissioner*
Ms. Michele Byers, Chairperson
Mr. Edmund Bennett, Jr.
Ms. Abigail Fair
Dr. Joan Ehrenfeld
Dr. Gary Lavorgna

P O Box 439
Trenton, NJ 08625-0439
Telephone: (609) 633-6563
Fax: (609) 777-3656

**FRESHWATER WETLAND MITIGATION COUNCIL AND
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

WETLAND MITIGATION BANK PROPOSAL

CHECKLIST FOR COMPLETENESS

(05/17/02)

These are the submission requirements for an administratively complete mitigation bank proposal package. Please read each section and check each area after you have fully completed the information for each applicable requirement.

Please provide ten copies of the following information and plans.

- ☐ 1. An introduction paragraph which contains the following information:
 - a. Name and address of current and proposed owner(s) of the mitigation bank site
 - b. Block, lot, township and county the proposed bank site is located
 - c. Explanation as to why the bank proposal is being pursued.
 - d. Note if there are any easement, right-of-ways and/or deed restriction on the property
 - e. A copy of a USGS quad map showing the location of the proposed bank site with the state plane coordinates. The accuracy of these coordinates should be within 50 feet of the actual center point of the site. For linear mitigation projects, the applicant shall provide State plane coordinates for the end-points. For linear mitigation projects 2000 feet in length and longer, the applicant supply additional coordinates at each 1000 foot interval.
- ☐ 2. A description of the size and type of mitigation bank (creation, enhancement, restoration etc.) proposed with the required transition areas. Please note the proposed bank must be at least five (5) acres in size and

constructed on private property. If public land is to be used, it must have been acquired for the purpose of wetlands mitigation.

- ❑ 3. Delineate limits of jurisdictional wetlands on-site as per the 1989 Federal Manual for Identifying and Delineating Wetlands. This description should be approved by NJDEP through a Letter of Interpretation with the approved plan and copy of LOI submitted with the bank proposal.
- ❑ 4. Provide certification that the proposed bank site is not affected by hazardous or solid waste, and or surface water, groundwater or soil contamination. A “No Further Action” letter from DEP will be required this letter must have no restrictions or conditions placed on it.
- ❑ 5. Certification the site contains no structures that present health or safety problems to the general public
- ❑ 6. Submit a wetland functional assessment of the existing site conditions and a wetland functional assessment of the proposed bank conditions.
- ❑ 7. Describe how the proposed mitigation bank site interacts with the surrounding regional wetland and aquatic resources.
- ❑ 8. A projected water budget for the proposed mitigation site. The water budget should detail the sources of water for the mitigation project as well as the water losses. The budget should include the following regional information:
 - the daily rainfall for a non-event driven, normal, wet and dry year;
 - if appropriate the depth of the seasonal high water table from collected monitoring well data. The data should be taken several times a week between February and July and then weekly for the rest of the year;
 - if appropriate, the water levels of the stream that supplies water to the mitigation area. The water levels should be collected from stream gauge data taken at least weekly following any major storm event. This should include the average high and average low for the stream; and the mean monthly temperature.

The projected water budget should document that an ample supply of water is available to create, enhance, or restore wetland conditions, as applicable. The water budget must contain sufficient data to show that the mitigation project will have sustained wetland hydrology indefinitely in the future. It is strongly suggested that you obtain a copy of following publication: Pierce, Gary J. 1993. Planning hydrology for constructed wetlands. Wetland Training Institute, Inc. Poolesville, Md. WTI 93-2. 49pp. This publication is currently being used by the Department as guidance when evaluating a proposed water budget and may be purchased from the Wetlands Training Institute located at P.O. Box 1022, Poolesville, MD 20837-0099 phone number (301) 972-8112.

- ❑ 9. Existing soil profiles with the location of soil borings on the proposed mitigation site.
- ❑ 10. A detailed discussion of substrate you propose to create for the mitigation site (e.g. How will the substrate of the site be prepared? How much topsoil will be added? Is the pH appropriate?). Successful mitigation requires that a minimum six inches of topsoil or A-Horizon be used or retained on the mitigation site. If the natural top soil from the site is to be used, it must have at least 8% organic carbon content (by weight) incorporated into the A-horizon for sandy soil and for all other soil types the topsoil must have 12%

organic carbon content. If topsoil is imported onto the site it must consist of equal volumes of organic and mineral materials. Do not include the application of lime in your planting specifications unless absolutely necessary (liming a site may cause a more favorable environment for invasive species).

- ❑ 11. A landscape plan showing the proposed vegetative community on the proposed mitigation site that includes the following:
 - the species;
 - quantity of each species;
 - the spacing of all plantings;
 - the stock type (bare root, potted, seed); and
 - the source of the plant material.

The required transition area must also be planted. The landscape plan must identify the proper time to plant and must indicate any appropriate substitutions. If bare root stock is used, it must be planted in the spring while the plant is still dormant.

- ❑ 12. A preventive maintenance plan detailing how invasive or noxious vegetation will be controlled, and how predation of the mitigation plantings will be prevented. The plan shall explain the measures that will be taken if a problem with invasive or noxious plants or predation begins to present itself during the monitoring period. If there is a problem with *Lythrum salicaria* (purple loosestrife) in the watershed in which the proposed mitigation site is located, the Program may not approve mitigation involving the establishment of an emergent freshwater wetland system because of the likelihood of failure due to invasion by this species. If this is the case, contact Virginia Kop’Kash at (609) 984-0194 or at gkopkash@dep.state.nj.us to discuss possible options. Listed below are several devices/structures that may be incorporated into your plan to control problems resulting from the presence of deer, geese, rodents, and rabbits on the mitigation site:
 - deer fence
 - goose fence
 - snags for raptors
 - snake hibernaculum
- ❑ 13. Submit a proposed number of credits and the basis of that credit ratio.
- ❑ 14. Submit a proposed service area and the basis of the extent of the service. Please keep in mind a banker must be able to defend the ecological basis of the extent of the service area and how the wetland function and values will be replaced at the proposed bank site.
- ❑ 15. A metes and bounds description of the proposed mitigation site. The metes and bounds description shall include the transition area required under N.J.A.C. 7:7A-15.8.
- ❑ 16. An actual cost estimate of carrying out the construction of the mitigation bank. The cost estimate should include the cost of land, site preparation, engineering costs, plantings and any other items incidental to the mitigation project. The cost estimate of the project will be used to justify the amount of the financial assurance. Once the mitigation bank proposal and plans have been approved by the Council the banker must in accordance with N.J.A.C. 7:7A-14.1, obtain a secured bond, or other financial surety acceptable to the Council including an irrevocable letter of credit or money in escrow, that shall be sufficient to hire an independent contractor to complete and maintain the proposed bank should the banker default. The financial

surety for the construction of the mitigation bank shall be posted in an amount equal to 115 percent of the estimated cost of construction. In addition, financial surety to assure the success of the mitigation project shall be posted in an amount equal to 30 percent of the estimated cost of construction. The financial surety will be reviewed annually and shall be adjusted to reflect current economic factors.

- 17. Provide site plans for the mitigation bank which includes:
 - i. Project location within the region;
 - ii. The lot and block number of the mitigation bank location;
 - iii. Existing and proposed elevations and grades of the mitigation site and, when necessary off-site elevations and grades. All existing and proposed elevations and grades must be at least in one foot intervals. The slope shall be no greater than 10:1 along a created transition area as well as along any berms that are intended to function as water control structures or berms created along a stream;
 - iv. The appropriate transition area (50/150 foot) must be shown on the project plans;
 - v. A detail that shows, or a statement indicating, the soil amendments and the seed stabilization mix to be used on the mitigation site. The seed mix shall not include any fescue, deer tongue or reed canary grass. The seed mix shall either be a mixture of native non-invasive plant species or shall include an annual rye grass;
 - vi. A statement certifying that, following grading of the site, a disc will be run over the site to eliminate compaction;
 - vii. An explanation of how micro-topography will be created on the mitigation site. For example a cultivator or a bedding harrow could be used to create micro-topography;
 - viii. Pre and post construction plan views and cross sectional views of the mitigation site; and,
 - ix. Location of monitoring wells and/or stream gauges that will be used to monitor and record the hydrology of the mitigation site before and after construction is complete.
- 18. A construction schedule including projected dates of excavation, planting, fertilizing, etc.
- 19. A draft conservation restriction that meets the requirements of N.J.A.C. 7:7A-15.14. Please be advised the Council has approved standard deed restriction language that may upon request be sent to the banker.
- 20. A copy of a letter or agreement from a charitable conservancy or governmental agency willing to accept the bank site. Including the amount of a maintenance fund agreed to by the mitigator and the agency or conservancy in accordance with N.J.A.C. 7:7A-15. 23. The maintenance fund shall be established within sixty days following approval of the bank site.
- 21. Certify the proposed mitigation will not adversely affect properties, which are listed or are eligible for listing on the National Register of Historic Places. If the mitigator before or during the course of mitigation work encounters a probable historic property that has not been listed or determined eligible for listing on the

National Register, but which may be eligible for listing on the National Register, the permittee shall immediately notify the Department and proceed as directed by the Department.

Proposal packages shall be submitted to:

New Jersey Department of Environmental Protection
Land Use Regulation Program
P.O. Box 439
Trenton, New Jersey 08625-0439
Attn: Virginia Kop'Kash